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Collection of all the  
PAPERS VVHICH

Passed upon the Late TREATIE :

*Betweene*

HIS EXCELLENCY

JAMES Marques of Ormonde, Lord

Lieutenant Generall of Ireland,

on the one parte;

AND

Sir Thomas Wharton, Sir Robert King,

Sir John Clotworthy, Sir Robert Me-

redith, Knights, and Richard Salwey,

Esquire, Commissioners Autho-

rized by the two Houses of

Parliament of England,

on the other part.

*Printed by Wm Bladen at the Kings*  
DUBLIN. *managers of Ormonde*

Printed by William Bladen, Printer to the Kings  
most Excellent Majesty; Anno Dom. 1646.

A

Collection of all the  
PAPERS WHICH

Relate to the late James Oglethorpe

Barbours

THIS EXCELLENCY

James Oglethorpe of Savannah, Georgia

Lieutenant General of Ireland

of the late King

By Thomas W. Higginson, Esq. of New York  
and John A. B. S. Esq. of New York

with a Preface by Richard B. Sewall

I. of the Committee of the Senate

fixed by the two Houses of

the Legislature of the State of New York

on the 10th day of


DUBLIN

Printed by W. M. G. Esq. of New York

in the City of New York



(2)



May it please your Lordship,

♦♦♦♦ *E* are sent hither Commissioners from the Parliament of  
♦♦♦♦ *W* England, to communicate to your Lordship matters of  
♦♦♦♦ high importance, concerning the preservation of the Pro-  
♦♦♦♦ testants in the Kingdome of Ireland, to which end wee  
desire from your Lordship a safe conduct, for the com-  
ming and returning of our selves, and such as shall attend us, not  
exceeding the number of thirty persons, and for such things as  
appertaine unto us, Wee remaine,

Dated from the Bay  
of Dublin, the 13<sup>th</sup>  
of Novemb: 1646.

Your Lordships most humble Servants,

*Tho. Wharton.*      *Rob. King.*  
*Io. Clotworthy.*      *Rob. Meredith.*  
*Rich. Salwey.*

*For the most honorable the  
Marques of Ormond.*

**V** V High safe conduct being sent unto them, the said Com-  
missioners landed the next day, and presented themselves  
to the Lord Lieutenant, and after an interview, returned to their  
lodging, and soone after came to his Lordship, and delivered him  
a Copie of their Commission, and the next day being the fifteenth  
of Novemb: 1646. they delivered to his Lordship, Copies of the  
Ordinance of Parliament in their Commission mentioned, and  
of the Order which did lead thereunto, and of such Instructions as  
they had concerning his Lordship. The tenor of all which, and  
of the subsequent passages upon the Treaty, doe appeare in the  
papers following.

*At the Committee of Lords and Commons  
at Darby-House.*

**B**Y Vertue of an Ordinance of Parliament of the fifteenth of this Instant October, authorizing us, We doe constitute and appoint you, Sir Thomas Wharton, Sir Robert King, Sir Iohn Clotworthy, and Sir Robert Meredith, Knights, and Richard Salwey, Esquire, Commissioners to Treat with the Lord of Ormond, for and concerning the delivery of the Sword, the Citie of Dublin, and all other Gar-risons and Holds in his power. And you or any three of you have hereby power to Treat with the said Lord of Ormond, concerning the premisses, and to agree and conclude with him concerning the same, according to such Instructions as are delivered unto you. Given this 23. of October, 1646.

Northumberland.	E. Manchester.	P. Lisle.
P. Wharton.	W. Peirrepoint.	Denzell Hollis.
P. Stapleton.	W. Lewis.	I. Temple.
		Ro. Goodwyn.

*Copia vera Ex.*

W. Rowe, Secr.

*Die Luna, 12. October, 1646.*

**I**T is this day Ordered by the Commons Assembled in Parliament, That it be referred to the Members of both Houses, that are of the Committee of both Kingdomes, to consider of these Letters, and to receive the Adresses of the Commissioners from Ireland, and their Propositions, and to view and consider of their Instructions, and the Members of this House that are of the Committee of both Kingdomes, or any foure of them, have power to meet this afternoone at Two of the clock in Darby-house,  
for

for the purposes aforesaid, and have power to report to morrow, if they shall see occasion; And the Lord Lieutenant of Ireland, Master Hollis, Sir Iohn Clotworthy, and Sir Iohn Temple have power, and are desired to be present at the meeting of this Committee.

Master Na. Fines, Sir W Lewis, and Master Robert Goodwyne, are added to this Committee.

*Henry Elsynge, Cleric. Parl. D. Com.*

*Die Iovis 15. Octobris, 1646.*

**T**He Lords and Commons Assembled in Parliament, doe declare that they resolve to proceed upon the second way of Overture, made by the Earle of Ormonde, and will appoint some way of Treating with him for his Retirement, and will imploy such as they shall thinke fit in the Trust of that Kingdome.

*Ia. Browne, Cleric. Parliament.*

Vera Copia, Ex.

W. Rowe, Secr.

*Die Iovis 15. Octobris, 1646.*

**O**Rdered by the Lords and Commons in Parliament Assembled, That the whole Affaire concerning Ireland, in respect of the secrefey and expedition thereunto necessary, be referred back to the former Committee, And the Committee hath power to give Instruitions to such as they shall Imploy for the pursuance and



transaction of that Affaire, and to Order the Forces, that shall goe thither, and to dispose of the Ammunition, and other Provisions for the Service of Ireland, as they shall judge best for the Publique Service, And are to meete this Afternoone, and so from time to time as they shall see cause.

Vera Copia Ex.  
W. Rowe, Secr.

*Io. Browne, Cleric. Parliament.*

INSTRUCTIONS for Sir Thomas Wharton,  
Sir Robert King, Sir Iohn Clotworthy, Sir  
Robert Meredith, Knights, and Richard Sal-  
wey, Esquire.

Concerning the Lord of Ormond.

**Y**ou are to declare to the Lord of Ormond, the Earle of Roscommon, and the rest of those that signed the Instructions to Sir Gerrard Lowther, Sir Francis Willoughby and Sir Paul Davies, That the Parliament will take into their Care and Protection the Protestants of Ireland.

If the Lord of Ormond doe within foure dayes deliver up the Sword, render all the Garrisons, and other Commands to the pleasure of the Parliament, Then you, or any three of you, are to give these ensuing Conditions.

That the Lord of Ormond shall enjoy his Estate without molestation or disturbance from the Parliament: And shall have indemnity against all debts contracted by reason of any Goods, Money, Debts, or Victualls taken up by vertue of any Warrants signed by Him and the Councell from any person,

for



for the Maintenance and Support of the Armies, or any of the Garrisons, now under his Command.

2 That he shall be protected in his Person and Goods for the space of twelve moneths against all Suits, Arrests, Molestation, or Disturbance from any person whatsoever, for any debts owing by him to any person whatsoever before the Rebellion there.

3 That the Lord of Ormond, and all such Noblemen, Gentlemen and Officers, as shall be desirous to goe with him, or by themselves, into any other place out of that Kingdome, shall have free Passes for themselves, their Families, Goods, and travelling Armes, and a competent number of Servants sutable to their respective Qualities.

4 That the Lord of Ormond shall have five thousand pounds paid him in England or Ireland, in such manner as shall seem best to the Commissioners now sent: And shall have also two thousand pounds per annum for five yeares, And if the War shall longer continue in such manner, as he cannot receive two thousand pounds per annum out of his owne Estate, That then he shall have the said Pension of two thousand pounds per annum still continued, untill he can receive so much out of his owne estate.

5 That the Lord of Ormond shall have liberty to come and live here in England, with the like liberty that others have, he submitting to all Ordinances of Parliament. And for the time of twelve moneths shall not be pressed to any Oaths, he engaging his Honor to doe nothing in the meane time that shall be disservice to the Parliament.

Darby House, 17. Octob. 1646.

A. Northumberland.	E. Manchester.	P. Lisle.	P. Wharton.
W. Pierrepont.	Denzell Hollis.	W. Waller.	W. Armyne.
Ph. Stapleton.	I. Temple.	W. Lewis.	Ro. Wallop.

Vera Copia Ex. W. Rowe, Secr.

Nov.

November 15. 1646.

**W**EE finde in the instructions delivered in by you unto us, That you are to declare unto us and the rest that signed the Instructions to Sir Gerrard Lowther &c. That the Parliament will take into their Care and Protection the Protestants of Ireland. Wee desire to know, whether, by these words viz. [That the Parliament will take into their Care and Protection the Protestants of Ireland] All the Protestants of Ireland are to enjoy their Lives, Liberties, Estates, and imployments, without molestation or disturbance, from the Parliament of England.

ORMONDE.

November 15. 1646.

**W**EE find by the Instructions delivered in, by you unto us, these words, viz. If the Lord of Ormonde doe within foure dayes deliver up the Sword, render all the Garrisons and other Commands, to the pleasure of the Parliament, then &c. Wee desire to know when the said foure dayes shall be understood to beginne, and to what Person or Persons, and to whole use the said Sword, Garrisons and other Commands, are desired to be delivered up, or rendered.

ORMONDE.

November 15. 1646.

**T**O your Lordships first Paper of the fifteenth of November, we returne this Answer. That we are required by the Paper of Instructions delivered to your Lordship, to declare to your Lordship, the Earle of Roscomon, and the rest that signed the Instructions to Sir Gerrard Lowther &c. That the Parliament will  
take

take into their Care and Protection the Protestants of Ireland : But desire to be excused from giving a particular explanation of those words in that Paper, being not directed soe to doe, yet conceive there ought to be noe doubt of a faire interpretation thereof.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*John Clotworthy.*

*Ri. Salwey.*

*November 15. 1646.*

**A**Lthough wee question not a faire interpretation, yet in matters soe highly importing the safety and subsistence of the Protestants of this Kingdom, we may not leave them to the uncertainty of future interpretation : and therefore we cannot rest satisfied without clearer assurance in their behalfe, then we find either in the instruction delivered unto us by you this day, (whereof wee desire an Explanation) or the Answer given by you to our first Paper.

ORMONDE.

*November 15. 1646.*

**T**O your Lordships second Paper of the fifteenth of November wee returne this Answer : That the foure dayes appointed for the Treaty with your Lordship ( within which time wee are to bring our Debates to a Conclusion ) we understand did begin this 15. of November 1646. at nine in the morning, And wee who are appointed Commissioners by Authority from the Parliament of England, are to receive from your Lordship ( if the Treaty succeed ) the Sword, and Garrisons under your Command, for the use of the Parliament of England, in order to the preservation of the Protestants in the Kingdome of Ireland.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*John Clotworthy*

*Ri. Salwey.*

*B*

*Novemb.*



November 15. 1646.

**V**VE desire to know, whether your Lordship rests satisfied in all the Particulars of the Paper of instructions delivered to you by us this day, saveing that which concerns the Protestants, as is expresse in your Lordships Third Paper.

*Rob: Meredith.*

*Thomas Wharton.*

*Rob: King.*

*John Clotworthy.*

*Ri: Salwey.*

November 15. 1646.

**V**VE hold it not fit to declare our sence concerning the particulars of the paper of Instructions, delivered by you to us, which concerne our selfe, untill assurance be first given for the safety and subsistence of the Protestants of this Kingdome, which wee desire may be hastened for the bringing of this Treaty to a speedy and good Conclusion.

ORMONDE.

November 15. 1646.

**F**ORASMUCH as your Lordship in your Third Paper of the fifteenth of this instant doth expresse; That you cannot rest satisfied, without Clearer assurance on the behalfe of the Protestants of Ireland then you find, either in the instructions delivered to you by us this day, or in our Answers to your Lordship touching the explanation thereof, as was in your first paper desired: And whereas your Lordship in your fourth in Answer to our Third, hath signified, that you hold it not fit to declare your sence Concerning the particulars of the paper of Instructions, which concerne your selfe, untill assurance be first given for the safety and subsistence of the Protestants of the Kingdome of Ireland; To the end, nothing may



may bee wanting on our parts, to bring this treaty to a speedy and happy Conclusion, wee hold it fit to declare, That by an additionall Instruction ( which we might not sooner impart ) wee are enabled to give to such Protestants (not having been in the Irish Rebellion) as we condition withall, assurance of security to their persons, and to their Estates and Goods, that they have in Ireland, and that they may live quietly and securely under the protection of the Parliament and their Forces, either within England, Ireland, or Wales, and that they shall enjoy those their Estates and goods, without any molestation, or question from the Parliament, as any others doe, who have not offended the Parliament, they submitting to all Ordinances of Parliament; And if any of them have any Lands, or Estates in England, they are to Compound for the same at the rate of two years profit, as they were before the beginning of these troubles, They submitting to all Ordinances of Parliament.

*Rob. Meredith. Tho. Wharton. Rob. King.*  
*Jo. Clotworthy. Ri. Salwey.*

15. November, 1646.

**B**EFORE we make Answer to your fourth paper of the fifteenth of November, we hold it needfull, to have an authentick Coppy of the additionall Instruction therein mentioned, being for the security of the Protestant Subjects of this Kingdome. And we desire authentick Coppies of such other additionall Instructions as you have, in regard your Commission is limited by, and hath relation to your Instructions.

ORMONDE.

16. Novemb. 1646.

**T**O your Lordships fifth paper of the fifteenth of November, wee returne this Answer, That to the end nothing may bee wanting on our parts, conducing to the security of the Protestants

restants of Ireland, According to the Instructions given us by Authority of Parliament, And that we may accordingly put a speedy conclusion to this Treaty, We doe. for your Lordships more ample satisfaction, (though wee hold not our selves obliged thereunto ) herewith freely deliver your Lordship an Authentick Coppy of the additionall Instruction : But wee must desire to bee excused from giving any further Answer to the said paper, untill we receive your Lordships positive Answer upon the papers already given in, hoping it will be believed, That as we have not hitherto, so wee shall not for the future offer any thing, unto which wee are not warranted by our Instructions.

*Rob. Mereditb. Tho. Wharson. Rob. King.  
John Clotworthy. Ri. Salway.*

## The Additionall Instruction concerning the Protestants of Ireland.

**Y**OU, or any three of you may give to such Protestants ( not having been in the Irish Rebellion ) as you condition withall, assurance of security to their persons, and to their Estates and Goods, that they have in Ireland; And that they may live quietly and securely under the Protection of the Parliament, and their Forces either within England, Ireland or Wales : And you may likewise assure them, that they shall enjoy those their Estates and Goods without any molestation, or question from the Parliament, as any others doe, who have not offended the Parliament ; They submitting to all Ordinances of Parliament. And if any of them have any Lands, or Estates in England, they are to compound for the same, at the rate of two years profit, as they were before the beginning of these troubles, They submit.

*Submitting to all Ordinances of Parliament.*

Darby house the 17. of  
October 1646.

Northumberland. E. Manchester. P. Lisle. P. Wharton.  
W. Pierrepoint. Denzell Hollis. W. Waller. P. Stapleton.  
W. Armyne. Wil. Lewis. I. Temple. R. Wallop.

*Copia vera exam. W. Row. Secret.*

*Dublin 16 November 1646.*

**V**Hereas wee have been informed, that the Armies of the Rebels lye neare this Citie, and may probably make some speedy attempt upon the same: We hold it our duty for the preservation thereof, and of the Protestants therein, to declare, that if your Lordship apprehend such danger to be. and that any Supplies of Men and Ammunition which wee have brought with vs, may prevent the same: We are ready to give all such assistance, as may be thought expedient, during the time the present Treaty continues with your Lordship, and are willing to give such Caution, as may be expected from us, That no other use shall be made of the same, then is herein expressed, and shall expect the like from your Lordship. As also that such Men and Ammunition, as we shall bring on shore for the purposes aforesaid, be, ( if the Treatie succeed not ) returned us back againe.

*Rob. Meredith Tho. Wharton. Rob. King.  
Jo. Clotworthy. Ri. Salwey.*

*16 November 1646.*

**V**Pon consideration had of your fourth paper of the fifteenth of this moneth, and the first paper of the sixteenth of this  
B 3 month



moneth and the Coppy of the additionall Instruction sent unto us therewith, before we can deliver any positive answer to your papers, we hold it necessary to be satisfied in the following particulars.

First, whereas you expresse in that paper of the fifteenth as followeth viz. we are enabled to give to such Protestants not having been in the Irish Rebellion as we condition withall, assurance of security to their persons, and to their Estates and Goods, that they have in Ireland, we desire you to declare whether those words viz. [such Protestants not haveing been in the Irish Rebellion] you intend to exempt those Protestants, or any of them, who have had a hand in making the Cessation, or the late Peace, or who have done any thing by occasion, or in pursuance thereof.

Secondly, whether by these words viz. we are enabled to give such Protestants as we condition withall, assurance; you intend that every particular Protestant shall come, and make his Conditions with you, or whether all the Protestants of this Kingdome, are not to be included within the present treaty, and to partake of the agreement which shall be made.

Thirdly, whether by those words, Submitting to Ordinances of Parliament, it be intended that they shall submit to all, and every the Ordinances already made, and which hereafter shall be made by the Parliament of England.

Fourthly, wee finde nothing in the Commission, nor in any of the Instructions delivered by you to us for the continuance of the Iudges and Ministers of the Civill List, and Officers of the Martiall List in their respective Employments, nor any answer given by you unto us in any of your papers unto that particular, and herein wee desire to be satisfied, as a matter wherein their being and livelihood doth depend.

ORMONDE.

16. Novemb. 1646.

**T**O the first and second particular of your Lordships first paper of the 16. November, We answer, that we shall not exempt any Protestants of Ireland, though they have of late consented, or submit-



submitted either to the Cessation of Armes, or the Peace concluded with the Irish Rebels, so as they submit to the Parliament within twenty dayes after our sending to them.

To the third particular, your Lordship hath an authentick Coppy of the Instruction, wherein those words (submitting to all Ordinances of Parliament) are expressed, of which we have no explanation.

To the fourth particular, Concerning the continuation or displacing of the Iudges, and Ministers of the Civill List in their employments, We are not instructed therein; But for the Officers of the Martiall List, We have power by our Instructions, and doe intend accordingly to imploy such of them, as shall be found fit for the Service.

Having thus endeavoured to give your Lordship all possible satisfaction, We doe againe desire your Lordships positive answer to our papers formerly given in: It being too manifest, how great mischiefe may befall the Protestants of this Kingdome, and the Service with which we are entrusted, should not our Debates be brought to a speedy Conclusion.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Jo. Clotworthy.*

*Ri. Salwey.*

16. Novemb. 1646.

**W**VE are not satisfied with your Answer to our first paper, of the 16. of November, to which we take these following exceptions for the present.

First, We desired by our said paper to know of you, whether you intended to exempt the Protestants, or any of them, who have had a hand in making the Cessation, or late Peace, &c. to which you make this Answer.

That you will not exempt any Protestants of Ireland, though they have or late consented, or submitted, either to the Cessation, or the Peace concluded with the Irish Rebels, so as they submit to the Parliament within twenty dayes after your sending unto them, with-

within which words, no provision is made either for those who had a hand in the making thereof, or did upon the first making thereof submit thereunto : And besides, no provision is made for any, but for such as you shall send unto, so that it will rest in your power, to whom you will send, and when, wherein there is no Certainty.

Secondly, We desired by our said paper, to know of you, whether you intended, That every particular Protestant shall come, and make his Conditions with you ; or whether all the Protestants of of this Kingdome are not to be included within the present Treaty, and to partake of the Agreement to be made, to which no cleare Answer is given.

And whereas you desire our positive Answer to your papers formerly given, it being as you say, too manifest, how great mischief may befall the Protestants of this Kingdome, and the Service with which you are entrusted, if your debates should not be brought to a speedy Conclusion. We desire you for the same reasons, to set downe fully and clearly how farre the propositions, which we sent to the Parliament by our Commissioners, are assented unto ; and upon view and consideration thereof, We shall speedily give our positive Answer.

ORMONDE.

17. Novemb. 1646.

**I**N answer to your Lordships second paper of the 16. of November, and for clearing ( so farre as possibly lyes in us ) the Exceptions therein taken to our answer unto your Lordships first paper of the same date. We herewith deliver all the Instructions which we have received, that doe ( as we conceive ) in any kinde whatsoever relate thereunto ; and if yet there shall remaine with your Lordship any doubt concerning those particulars, we shall represent the same ( if the Treaty doe succeed ) to those that imployed us, with the best advantage for the Protestants of this Kingdome. Further satisfaction then this we suppose cannot be expected from us.

As to the other part of your Lordships paper, wherein you would

would haue us set downe fully and cleerly, how farre the propositions, which you sent to the Parliament by your Commissioners, are assented unto, we cannot answer your Lordships desire therein, neither those propositions, nor Coppies of them being delivered unto us.

We therefore earnestly desire your Lordship to accept of the Conditions offered in our former papers, and to give us a speedy resolution therein.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Io. Clotworthy.*

*Ri. Salwey.*

Instructions for Sir Thomas Wharton, Sir Robert King, Sir Iohn Clotworthy, and Sir Rob. Meredith, Knights, and Richard Salwey Esq. imployed to the Lord of Ormond, and others at Dublin.

**Y**OU may receive any Protestant who hath not been in the Irish Rebellion, though he hath of late consented, or submitted, either to the Cessation of Armes, or the Peace concluded with the Irish Rebels, so as they submit to the Parliament within twenty dayes after your sending unto them.

You, or any Three of you, have power hereby to give Protection to such as will come under Contribution, and to give them the best safeguard you can, by the Countenance of the Forces serving under the Parliament.

You, or any Three of you, may give to such Protestants (not having been in the Irish Rebellion) as you condition withall, assurance of security to their persons, and to their Estates and goods, that they have in Ireland, and that they may live quietly and securely under the Protection of the Parliament, and their Forces, either within England, Ireland, or Wales; and



*you may likewise assure them that they shall enjoy those their Estates and Goods, without any molestation, or question from the Parliament, as any others doe, who have not offended the Parliament, they submitting to all Ordinances of Parliament; and if any of them have any Lands, or Estates in England, they are to compound for the same at the rate of two yeares profit, as they were before the beginning of these troubles, they submitting to all Ordinances of Parliament.*

Darby House 17.  
Octob. 1646.

Northumberland.	Manchester.	P. Lisse.	P. Wharton.
W. Pierrepont.	Denzell Hollis.	W. Lewis.	W. Armine.
W. Waller.	P. Stapleton.	I. Temple.	Ro. Wallop.

17. Novemb. 1646.

**I**N your third paper of the 16. of November, are these words, *viz.* That for the Officers of the Martiall List, We have power by our Instructions, And doe intend accordingly to imploy such of them, as shall be found fit for the Service. A Coppy of which Instruction, we desire, That we may the better judge how farre the Security and future Subsistence of the said Officers is thereby provided for.

ORMONDE.

17. Novemb. 1646.

**I**N Answer to your Lordships first paper of the 17. of this Moneth, We herewith deliver a Coppie of the Instruction therein desired.

Rob. Meredith.	Tho. Wharton.	Rob. King.
Jo. Clotworthy.	R. Salwey.	

Yours,



**Y**ou, or any Three of you, are to imploy such of the Officers now under the Lord of Ormond, as you shall think fit, And where you displace any, you are to place other Officers, if they be necessary; or otherwise to see their Commands sufficiently discharged, untill the Lord Lieutenant of Ireland take further order.

Signed as the rest of the Instructions.

*Copia vera exam. W. Rome Secr.*

17. Novemb. 1646.

**B**y our second paper of the sixteenth of November we desired you, for the bringing of the present debates to a speedy conclusion, to set downe fully and cleerly, how farre the Propositions, which we sent to the Parliament by our Commissioners are assented unto; And wee did by our said paper declare, that upon view and consideration thereof, we would speedily give our positive answer; To which by your first paper of the seventeenth of November, you say, that you cannot answer our desire therein, neither those Propositions nor Coppies of them being delivered unto you. We thinke fit to declare unto you, that our Commissioners delivered our Propositions and Instructions to the Committee of both Houses, and that they tooke Coppies thereof, And that our Commissioners doe by their Letters of the sixteenth of October 1646. certifie us by the Command of the said Committee, that with the succours, there would also arrive here certain Commissioners to be sent from the Parliament to treat with us, upon the particulars contained in the Propositions and Instructions sent to the Parliament from us, Coppies of which Propositions and Instructions; Wee are ready to send unto you, if that you shall desire the same. And we againe desire you to declare fully and cleerly how farre you have power, and will assent to our said Propositions, or whether we shall give our positive answer to the papers already delivered by you, takeing it for granted, that you have no further, or other Instructions, then what you have delivered us.

ORMONDE.

*17 November, 1646.*

**T**O your Lordships second paper of the seventeenth of November (wherein you againe desire us to declare fully and cleerely, how farre wee have power, and will assent to the Propositions sent to the Parliament by your Commissioners) Wee can returne noe other answer then wee have already done in our two first papers of the sixteenth and seventeenth of November, in the later of which wee declare; We have not those Propositions nor Copies of them, nor doe wee thinke it expedient upon this occasion to receive the same from your Lordship, yet we desire the want of those Propositions may not be conceived the onely reason of our forbearance, of giving further answer to your Lordships paper; But hold it our duty to insist upon your Lordships positive answer to the papers already given in.

*Rob. Meredith. Tho. Wharton. Rob. King.  
Io. Clotworthy. Rich. Salwey.*

*17 November, 1646.*

**I**F you shall positively declare, that you have noe power or instructions to enlarge your selves beyond what is exprest in your former papers, we will then give a positive answer to those papers.

ORMONDE.

*17. November 1646.*

**V**VEE cannot more largely or positively expresse the power and extent of our instructions then we have already done, but doe againe in pursuance of our instructions, desire your Lordships Answer to the papers given in.

*Rob. Meredith. Tho. Wharton. Rob. King.  
Io. Clotworthy. Rich. Salwey.*

WE

17 November 1645.

**W**EE did not by our third paper of the seventeenth of November, desire to know, whether you could more largely or positively expresse the power and intent of your Instructions, then you had formerly done, But We expressed, that if you would positively declare, you had noe power or instructions to enlarge your selves beyond what is expresse in your former papers, Wee would then give a positive Answer to those papers, which by your Answer thereunto you have neither affirmed, nor denied; And therefore wee forbear to give a positive Answer to your said papers, till wee bee satisfied in that particular.

O R M O N D E.

18 November 1646.

**H**AVING taken into consideration your Lordships last paper of the seventeenth of November, wee returne you this Answer, that wee hold it not fit positively to declare, whether wee have any power or instruction to enlarge our selves beyond what is expresse in our former papers, nor doe wee conceive it ought to bee expected from us, for that ( to omit other reasons ) we have frequently declared, that wee are according to our instructions to receive your Lordships positive Answer upon the papers already given in, which wee now againe desire from your Lordship.

*Rob. Meredith.**Tho. Wharton.**Rob. King.**Jo. Clotworthy.**Rich. Salwey.*

18 November 1646.

**I**N the Coppy of some of the instructions delivered by you unto us, it is thus expresse, That if the Lord of Ormonde doe within foure dayes deliver up the Sword, render up all the Garrisons and other commands to the pleasure of the Parliament, then you, or any Three of you are to give these ensuing Conditions, &c.



And in your second paper of the fifteenth of November 1646. you expresse your selves amongst other things as followeth, viz. Wee, who are appointed Commissioners by authority from the Parliament of England, are to receive from your Lordship (if the treaty succeed) the Sword, and Garrisons under your Command, for the use of the Parliament of England; To which, and your other papers, before wee can make Answer, We desire to know whether you have his Majesties direction and Command unto us for our so doing.

ORMONDE.

18 November 1646.

**T**O your Lordships first paper of the eighteenth of this moneth, wee Answered that we have not his Majesties direction and Command unto your Lordship, for delivering up the Sword, rendering up all the Garrisons and Commands to the pleasure of the Parliament.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Jo. Clotworthy.*

*Rich. Salwey.*

18. Novemb. 1646.

**T**He papers delivered by you unto us, whereunto you desire our positive Answer, gave occasion to us to take into consideration, aswell the Propositions and Instructions signed by us alone, and sent by our Commissioners to be presented to the Parliament of England, as also the Propositions and Instructions signed by us, and the Councell of this Kingdome, and other Propositions and Instructions signed by the said Councell a part, and sent by our said Commissioners to be in like sort presented, all which Propositions and Instructions they delivered to the Committee of both Houses, appointed to consider thereof, who took Coppies of the said Propositions and Instructions, Coppies of which Propositions signed by us alone, We thinke fit to insert herein, viz.

Propositions

Propositions of the Lord Lieutenant of Ireland  
to be presented, &c.

**T**Hat the said Lord Lieutenant will prosecute the Warre against the Irish Rebels, as vigorously as he shall be thereunto enabled by the Parliament of England, and that he will faithfully serve the Crowne of England therein.

2 That whilst he hath the Government of this Kingdome, and the Command of the Armies therein, none of the Supplies of men, money, Armes, Munition, Victuals, or any other provisions of what kinde or nature soever, which shall by the Parliament of England be sent over, or joyned with the Forces already under his Command, nor any of the said Forces now under his Command, nor any other Forces that shall be under his Command, shall in any wise be employed either within this Kingdome, or out of it, but by the expresse direction of the said Parliament of England.

3 That he will not upon any Command, or by vertue of any power or authority whatsoever, enter into any Treaty with the said Irish Rebels, or conclude any Peace or Cessation with them without the consent and expresse Command of the King and Parliament of England.

4 He will ingage himselfe to the true performance of all these things by Oath, or by any other meanes that can be proposed to a man of Honor and Conscience.

26. Sept. 1646.

ORMONDE.

Now for asmuch as we doe not finde by your papers, that any one of the said Propositions, which have been transmitted from hence, is assented unto by the Parliament of England, though we have pressed you by severall papers, to know how farre they were assented unto; And for that it appeareth unto us by those papers, that no Copies of the said Propositions or Instructions were delivered unto you, and that when we upon that signification did offer unto you copies of both, you did not thinke it expedient upon this occasion to receive the same from us. And for that by the papers and copies of Instructions delivered by you unto us, VVe finde no security offered to any of the Protestants, but to such as you shall  
con-

condition withall, and who shall submit to all Ordinances of Parliament, whereas We expected that all should be included and provided for, in and by the present Treaty, and what those Conditions or Ordinances of Parliament are, you doe not ascertain by any of your papers : And for that it doth not appeare unto us by any the Instructions, whereof you have delivered copies unto us, that you have power to secure any other of his Majesties Subjects, who have constantly adhered to the Government here since the 22. of October 1641. in their persons and Estates. And for that the Officers of His Majesties Army here, and the Iudges and Minuters of the Civill List, have no assurance given them for their continuance in their respective Employments, your expression as unto them being as followeth, *viz.* Concerning the continuation and displacing of the Iudges and Ministers of the Civill List in their Employments, We are not instructed therein ; but for the Officers of the Martiall List, We have power by our Instructions, and doe intend accordingly to imploy such of them, as shall be found fit for the service, which giveth no assurance unto any one of the Martiall List, and leaveth the Civill List without any security, And taketh no notice of the poore distressed Clergy of the Kingdome. In all which particulars ( being contained in our Propositions and Instructions ) We did hope that the Parliament of England would have given us satisfaction, which being not yet done for any thing made knowne by you to us, and for that you have by your paper of the 18. of November 1646. declared unto us, that you have not His Majesties direction and Command unto us, for delivering up the Sword, rendring up all the Garrisons and Commands to the pleasure of the Parliament, which you by your second paper of the 15. of November 1646. desire to be rendred unto you, to the use of the Parliament, without any relation in your said paper to the King. We hold it not consistent with our Duty to His Majestie, to part with so great a Trust committed to our Charge, in manner as by your papers is desired, without His Majesties expresse and positive Directions, and therefore may not assent thereunto.

ORMONDE.

Whereas



18 November 1646.

**VV** Hereas wee did, together with our first paper of the fiftenth of November, deliver in to your Lordship an authentique Coppie of the additionall instruction concerning the Protestants of Ireland, unto which your Lordship hath taken severall exceptions, we thinke good for your satisfaction therein, now to declare that wee intend that all Protestants whatsoever of the Kingdome of Ireland (not haveing been in the Irish Rebellion) shall be included in this treaty, and receive the full benefit exprest in the said instruction: And that the conditions, implied in that instruction to be imposed on them, shall be understood, as followeth, viz. Whereas it is said, they shall enjoy those their Estates and Goods without any molestation or question from the Parliament, as any others doe, who have not offended the Parliament, they submitting to all ordinances of Parliament; By all ordinances of Parliament, wee onely intend such ordinances, (whether already made or to be made) as all others doe submit unto, who never offended the Parliament; And whereas libertie is given to compound for such Estates, as any of them shall have in England they submitting to all ordinances of Parliament. By all ordinances of Parliament we intend, only such as all persons now compounding in England doe submit unto, Provided that all those that are thus admitted to their Composition doe effectually prosecute the same within six moneths after the publication of this Article.

And whereas in the fourth Article of the first paper delivered in to your Lordship, offer is made of five thousand pounds in monie, and two thousand pounds per annum, to be paid your Lordship in manner as is exprest in the said article, we now hold it fit to declare, that if it shall bee more to your Lordships satisfaction and content, we have power given us, and shall accordingly grant, what you desired in the sixth Article of your Lordships additionall instructions sent to the Parliament, according as is in the paper herewith delivered in, exprest.

And we lastly hold it fit to make known unto your Lordship that power is also given to us, to agree for allowances to be paid to other persons, by constant pension during the Warre of Ireland,

not exceeding the summe of two thousand pounds per annum, which pensions are to continue, till they can receive the like benefit by their owne Estates.

Wee doe now particularly declare to your Lordship (and sooner according to our instructions wee could not) that wee have no power to enlarge our selves, beyond what wee have expressed. And doe therefore now againe, intreat your Lordships positive answer upon the whole, which wee must the rather desire may bee expedited, for that wee are (according to our instructions) to bring our debates to a conclusion within foure daies at the furthest, after the beginning of the treaty, which will end to morrow at nine of the Clocke in the morning, and wee have no authority to prolonge the same.

*Rob. Meredith    Tho. Wharton.    Rob. King.*

*Io. Clotworthy.    Ri. Salwey.*

A Coppy of the Paper, mentioned in the former.

**S**ixtly, in regard that my whole fortune is now in the possession, or within the power of the Rebels, soe as I can make noe manner of use of it; As also, for that I have not onely at my owne charge, in some sort mainteined the honor and dignity of my place, since the one and twentieth of Ianuary 1643, which was the day whereon I was sworne his Majesties Leivtenant, but likewise contributed in a considerable portion to the maintenance of the Armie and Garrisons now under my Command: And lastly, for that by meanes thereof I am utterly unable to discharge the debts I have contracted for my owne support, whilest I employed my owne to feed the Army, or to pay the wages due to the servants, which I was necessitated to entertaine, in respect of the place I held; For these reasons, I desire it may be humbly offered to the noblenesse and honour of the Parliament; That to free mee from the Clamor of Creditors, to pay my servants their wages, and to transport and maintaine my selfe and my family in some sort besitting the condi-

tion

tion of a Gentleman; The Parliament will be pleased to Command, that the summe of thirteen thousand eight hundred seventy seven pounds foureteen shillings nine pence, be paid to such as I shall appoint upon bills of Exchange, accepted by sufficient men in France, or Holland, to wit, the one halfe upon sight, and at six months the other halfe thereof, which is lesse then the just summe I have disbursed for the maintenance of the Garrisons of Dublin, Dundalke, Newry, Narrow water, Greene Castle, and Carlingford, not accompting my owne expence, nor the many other smaller disbursments spent meerey for the good of the said Garrisons; And that I may be secured against any molestation by reason of the engagements, I have at any time entred into, for the publike service since the beginning of this Rebellion.

19. Novemb. 1646.

**V**Pon consideration had of your third paper of the eighteenth of November, as alsoe of your former papers, and the Coppies of such instructions as you delivered unto us, wee finde no satisfaction given by you in these following particulars.

First, wee doe not finde that you have power to secure any of his Majesties Roman Catholike Subjects in their persons and Estates, who have constantly adhered to the Government here, since the twenty second of October 1641. of whom wee conceive Care ought to be had in the present treaty.

Secondly, you have declared unto us, that you have no instruction concerning the continuation or displacing of the Judges, and Ministers of the Civill list in their employment; and your instruction as unto the Martiall List (whereof you gave us a Coppy) is as followeth, viz. You or any three of you are to imploy such of the Officers now under the Lord of Ormonde, as you shall thinke fit, and where you displace any, you are to place other Officers, if they be necessary, or otherwise to see their Commands sufficiently discharged, untill the Lord Lievtenant of Ireland taketh further order; which may give more occasion of feare unto the Officers of being displaced, then hope of continuance in their respective employ-



ments, and there is not as much as mention made of the poore distressed Clergy of the Kingdome in any the papers, or instructions delivered to you by us.

Thirdly, the Protestants of the Kingdome who are to bee included in the present treaty, are, as you declare in the last paper delivered by you to us, to submit themselves to all ordinances of Parliament, whether already made, or to be made; Amongst which (as we are informed) are some which require the Covenant to bee generally taken, and others which lay Mulcts upon those, who shall use the Booke of Common prayer, which forme of Service, and no other is by a Law of force in this Kingdome, Commanded upon a penalty to be used; And in our instructions sent by our Commissioners, we desire that neither the one nor the other might be pressed untill settlement by Parliament, And for us to agree upon this treaty to al future ordinances which shal be made by the Parliament, before it be known what those ordinances are, wee conceive may be of dangerous consequence to the whole Kingdome, and not agreeable with the rules of prudence in us.

Fourthly, whereas by a special instruction signed by us a part, we did direct our said Commissioners, as followeth viz. If you finde the Parliament willing and ready forthwith effectually to take into their care and protection his Majesties Protestant Subjects within the Quarters under my command, and those that have adhered to them from the 22 of October 1641. according to the purport of the instructions signed by mee and the Councell, and that my continuance in the Gouverment shall bee the onely let thereunto, you are then in such case to let them know, that I will surrender my place of Lievtenant and deliver all the holds in my power to such as the Parliament, shall appoint upon these conditions.

First, that they procure his Majesties directions for the doing thereof &c. which was the first and fundamentall condition of all that was propounded by us upon this Overture, which was to bee Precedent, and without which, nothing as unto the delivery up of the Government was to be expected from us. Vpon consideration of all which, and of the Oath taken by us, upon our first entrance into this great trust reposed in us, the tenor whereof doth ensue

ensue in these words, viz. You shall sweare that you shall faithfully and truly to your power serve our Sovereigne Lord the Kings Majestie in the roome and authority of Lord Lievtenant, and cheife Governor of this his Realme of Ireland, you shall mainteine and defend the Lawes of God and the Christian faith, you shall to your power not onely keepe his Majesties peace amongst his People, but alsoe mainteine his Officers and Ministers in the execution and administration of Iustice, you shall defend his Majesties Castles, Garrisons, Dominions, People, and Subjects of this Realme, and repress his Rebels and Enemies; You shall not consent to the damage, and disherizon of his Majesty his Heires nor Successours, neither shall you suffer the right of the Crowne to be destroyed by any way, but shall let it to your power; and if you cannot let the same, you shall certifie his Majestie cleerely and expresly thereof, you shall give your true and faithfull Councell for the Kings Majesties profit, and his Highnesse Councell you shall conceale and keepe, All other things for the preservation of his Majesties Realm of Ireland, the peace amongst his People and execution of his Iustice, according to his Majesties Laws, Vsages and Customes of this his Highnesse Realme, you shall perform, and doe to your power, so God you help, and by the contents of this Booke.

And for that our Commissioners have by their Letters certified us, that they were Comanded by the Committee of both Houses to forbear the delivering unto the Scottish Commissioners the duplicate of the Letters, which wee and the Councell had written to his Majesty and delivered to our Commissioners, advertising his Majesty thereby of our addresse to the Parliament, with direction to deliver them to the Scottish Commissioners to be sent to the King untill the pleasure of the two Houses should be made knowne, which restraint, doth as yet for any thing made knowne unto us, lie still upon them. And for that if wee should deliver up the Sword in manner as is desired, the present Parliament of this Kingdom (which is the hope of the remaining Protestants here) would be at an end; for all which reasons, we may not part with the trust committed to our Charge, in manner as by your papers is desired, without

His Majesties expresse and positive direction, and therefore may not assent thereunto.

ORMONDE.

19. Novemb. 1646.

**I**F your Lordship continue unsatisfied concerning the papers already delivered in, or any of them, as is implied by the Exceptions taken thereunto, and expressed in your last paper of the 18. of November, We are ready to offer such considerations to your Lordship, by way of Answer therunto, as we hope, may give your Lordship satisfaction therein, and this, we desire, may be done by Conference, if your Lordship shall thinke fit, for that the shortnes of time will not give opportunity to commit it to writing.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Jo. Clotworthy.*

*Rich. Salwey.*

19. Novemb. 1646.

**A**Lthough the Conference desired by you in your paper of this dayes date, was within halfe an-houre of the expiration of the time limitted for this Treaty. And although you have positively declared in your third paper of the 18. of November 1646. That you have no power to enlarge your selves, or the time beyond what you have expressed, yet to manifest to the world, how desirous we are to receive satisfaction in those necessary exceptions by us taken to your papers given in upon this Treaty, which may bring the same to a happy conclusion, We are ready to entertaine the Conference desired by your said first paper of this dayes date.

ORMONDE.

19. Novemb. 1646.

**W**Hereas We received a large paper from your Lordship of the 18. of November, wherein you declared, you could not assent to deliver up the Sword, render all the Garrisons, and other



other Commands, to the pleasure of the Parliament, as was desired by us in papers formerly given in to your Lordship, together with your particular Exceptions to the same.

And whereas We did immediately thereupon offer unto your Lordship, such further Conditions of enlargement to the former, as we were instructed unto for your more ample satisfaction, in complying with the desires of the Parliament, in order to the preservation of the Protestants of the Kingdome of Ireland.

And whereas your Lordship signified to us, that it then being late, and the paper given in by us of great importance, you would returne answer thereunto the next morning; And whereas we did this morning deliver to your Lordship a paper, declaring, That if your Lordship continued unsatisfied concerning the papers by us given in, or any of them, as was expressed by the Exceptions taken thereunto, we were ready to offer such considerations to your Lordship, as We hoped, might give satisfaction, which we desired might be done by Conference, for that the shortnes of time would not permit it in writing.

And having received another paper from your Lordship of the 19. of November, containing your refusall to deliver up the Sword, &c. upon the Conditions offered in our first and later papers, your Lordship did signifie by your second paper of the 19. That you were ready to heare, what We could further offer by way of Conference, as was desired; which was by us performed accordingly: We doe therefore now desire to know, if your Lordship did receive satisfaction thereby, or whether your Lordship doe still insist upon your refusall, on the grounds expressed in your papers. And if so we make knowne to your Lordship, that we shall for our owne exoneration, commit to writing the summe of what We delivered in Conference, and give your Lordship a Copie thereof; to the end, the uprightnesse of our proceedings in the transaction of this Treaty with your Lordship may in all things appeare, although that happy successe, which we desired, be not attained thereby.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Jo. Clotworthy.*

*Rich. Salwey.*

Forasmuch

November 19. 1646.

**F**Orasmuch as, what was delivered upon the Conference, cannot be made use of by us, as binding unto you, unlesse it be reduced to writing, and signed by you, which when you shall have reduced the same to writing, and given us a Copie thereof, signed by you; We shall then declare unto you, whether or no, we will rest satisfied therewith, or shall upon the whole matter insist upon our refusall.

ORMONDE,

Dublin. 20. Novemb. 1646.

**VV**Hereas upon Thursday morning the 19. of November in our Conference with your Lordship, We did endeavour to offer such Considerations, as might give satisfaction to your Exceptions taken by our papers given in; And whereas, We did at the same time also desire to know, whither or no, your Lordship had received satisfaction to all, or any of your said Exceptions, or whether you would still insist upon your refusall, whereupon your Lordship by your third paper of the 19. of November, returned Answer, That what was delivered upon the Conference, cannot be made use of by your Lordship, as binding unto us; unlesse it be reduced to writing, and signed by us, and that when we shall have reduced the same to writing, and given you a Copie thereof signed by us, your Lordship will then declare unto us, whether or no, you will rest satisfied therewith, or shal upon the whole matter insist upon your refusall. We have therefore accordingly exprest in writing the summe of what was delivered in Conference, which we offer to your Lordship, as followeth.

Your Lordships first Exception is.

Except. 1. *That none of the Propositions ( of the first way of Overture ) which were transmitted by your Lordship to the Parliament are assented unto.*

To which we answer.

Ans. 1. That an Ordinance of Parliament of the 15. of Octob. 1646. Containing the Declaration of both Houses to proceed upon

on the second way of Overture made by your Lordship, was by us delivered to your Lordship.

2. That Declaration was made by the Parliament, before such time as Sir *Francis Willoughby* returned from London, from whom your Lordship might be informed thereof.

3 Your Lordship presuming ( before your Commissioners came from London ) that the Parliament might not accept of those propositions, did by Additionall Instructions, declare, you would not insist thereupon, and accordingly gave them liberty to recede from the same, and to propound a second way of Overture, which the Parliament did accordingly proceed upon, and appointed a way of Treating with you, of which, your Commissioners did advertise your Lordship by Direction of the Committee of Parliament, appointed to consider of the said Propositions. And

4 If your Lordship observe, how farr that second way of Overture is accepted and granted by the Parliament in the Proposition by us given in, you may happily find, not onely full and positive satisfaction to the most of what your Lordship asked, but in some particulars also, more ample offers made, then was by your Lordship desired therein; which when the world shall consider, together with the grounds and principles held forth by your Lordship; ( inviting the Dispatch of Supplies to this place ) We are confident; the Parliament will be abundantly justified in all they have done therein: yet over and above all this, We continue to declare that in every particular We will goe to the utmost limits of our Instructions, and where any thing seemes doubtfull to your Lordship, or too short; we shall ( if the Treaty succeed ) represent it to those that imploy us, in the best manner We can for your Lordships full satisfaction; And this we desire may be applyed to every Exception taken by your Lordship.

*Except. 2. That we have no power to secure any of His Majesties Romane Catholike Subjects in their persons and estates, who have constantly adhered to the government here since the 22. of October 1641. Of whom, you conceive, care ought to be had in the present Treaty.*

*Ans. 1. Those that by Authority of Parliament gave power to*



us to Treat, did not, for ought we can perceive, take cognizance of any of the Romane Catholikes of Ireland, that did adhere to the Government of this Kingdome against the Irish Rebels.

2. If any such be, it's probable the number is not considerable; And if they have done nothing against the Parliament, they need not any speciall security, but may expect as much as others that have in like manner demeaned themselves, although they be of the Protestant Religion.

3 Power is given ( as by an Instruction delivered in the 16. of November, is exprest ) to protect such as will come under Contribution, and to give them safeguard by the countenance of the Forces serving under the Parliament; According to which, they are to be protected in their persons and estates, as well from the violence of the Souldiers under the Parliament, as of the Enemy; And this to be extended unto all without distinction of Oience or Religion.

4 If any thing more can be reasonably offered, in the behalfe of such Papists as have adhered to the present Government, and not been in the Irish Rebellion, it shall be also recommended back by us to those that imployed us, in the best manner wee can for your Lordships satisfaction.

*Except. 3. That no assurance is given, that the Judges and Ministers of the Civill and Martiall List shall be continued in their places and imployments, &c.*

*Ans. 1.* Nothing is given us in charge, nor hath any thing been expressed by us concerning the removall of the Judges, and Ministers of the Civill List, nor of any of them.

2. In cases of like nature, it hath not been known that persons so qualified, have been continued and established by Treaty, nor was it ( to our knowledge ) ever heretofore insisted on by any whomsoever.

3. If it must be presumed that they have offended the Parliament, yet assurance is given ( and otherwise they can need none ) for security to their persons, with injoyment of their goods and estates in the Kingdome of Ireland, as if they had not offended, and have liberty to compound for the Estates any of them have in

Eng-

England, and such Composition not to exceed two yeeres value.

*Concerning the Officers of the Martiall List.*

We answer.

*Answ. 1.* We have exprest, That we will continue and imploy all such Officers, whomsoever as shall be found fit for the Service : And as we have not hitherto taken up a resolution (if the Treaty should succeed ) to displace any, so we doe declare, that it must be an extraordinary cause that should induce us to it, and we understand the words of our Instruction (*viz.* You are to imploy such of the Officers, &c.) doth so direct us, and therefore cannot give, as your Lordship expresth, more occasion of feare unto the Officers of being displaced, then hope of continuance in their respective imployments.

2. As we beleeeve, no President can be showne ; so it is obvious, the inconvenience would be very great, to article for, and establish by Treaty, any Officers of the Military List, though our resolution be to continue the same.

3. The same assurance and benefit, as is declared in our third answer to your Lordships objections concerning the Civill List, is also to be extended in like manner to the Officers of the Martiall List, according to our Instructions.

In which also, the Clergie of this Kingdome mentioned by your Lordship, may respectively receive advantage, concerning whom we are not instructed : Yet,

We desire it may be remembred, that power is given us to agree for Pensions, to such as we shall thinke fit, to the value of two thousand pounds *per annum*, which we are ready to ascertaine unto such of the Civill and Martiall List, as also of the distressed Clergy, as shall be thought meet to extend it to, in such way as may give best satisfaction, according to our Instructions.

*Except. 4.* That great inconveniency may happen to all the Protestants of Ireland, who are to be included in this Treaty, if they should thereby conclude themselves to submit to all Ordinances of Parliament.

*Answ. 1.* We have declared, &c. That their submitting to all

Ordinances of Parliament, is to be understood no otherwise then as all others doe, who have alwayes adhered to, and never offend-  
ed the Parliament.

2. We know of no Ordinance of Parliament, that requires the Covenant to be taken in the Kingdome of Ireland.

3. We are no wayes instructed to suppress the Book of Common Prayer, or impose the Directory, though your Lordship represented in your owne Instructions, that the Directory might be used here.

4. It may also be considered, That your Lordship made Overture of submitting to the Direction of both Houses of Parliament, ( and that exclusively to any other whatsoever ) as to the ordering and disposing of the Army, &c. If they should accept of your Overture, which could not be understood otherwise to be done, but by Ordinances of Parliament, as to them from time to time should seem meet.

*Exception 5 - Lastly, That the Kings direction for the Delivery up of the Government is not obtained, and that your Commissioners were Commanded to forbear the delivering unto the Scotch Commissioners, the duplicate of the Letters which your Lordship and the Councell had written to his Majestie concerning the same.*

*Answer 1.* Wee are very Confident, what the Committee of both Houses did therein was by direction of the Parliament.

2. Your Commissioners did declare, that if Supplies were not instantly dispatched, you would take it for granted none would be sent, and therefore must be necessitated to thinke of some other course for your Preservation, as by the Lawes of God and Nature became you, and therefore it could not be imagined ( the necessity being so great, under which your Lordship then was, according to the representation thereof made to the Parliament ) that you would refuse such Supplies from the Parliament, in manner as they directed till your Letter should be from thence sent to New-castle, and answer thereof returned to your Lordship, which would not undoubtedly have taken up much more time then the extremity of your Condition here, according to the foresaid representation, could possibly admitt of; And information was given that an addresse to the  
King



King was also made by your Lordship another way, and wee have not yet understood by your Lordship that he hath inhibited you to proceed and conclude with us.

But more especially wee desire it may bee considered by your Lordship that in your Letter to the King (mentioned in your exceptions) your Lordships expressions are full, to proceed with the Parliament upon the overture made to them in the Propositions, not onely without desiring answer, but without expecting content or direction from his Majesty before such time as you would conclude the same, and your Lordship doth onely give an accompt of your Resolutions, his Majesty unconsulted with, as already fix't with expectation onely of a benigne construction from his Majestie thereupon; And that not onely from the consideration of necessity, but (as wee conceive) of your Lordships duty also, as the case then stood, (no lesse then a Kingdome lying at the stake) to make your application in such manner to the Parliament.

3. May it not also be considered, what reason the Parliament had to conceive your Lordship intended, not so to insift on the Kings direction as without it you would not conclude, when they observed that by those Propositions from your Lordship, a Coppy whereof you have delivered us, you offered (if they should accept thereof) to put your present Army and Forces, called by your Lordship his Majesties Army; (Notwithstanding any interelt you apprehended the King had therein) under the sole direction of both Houses of Parliament. And yet in those Propositions we finde no mention made of consent or direction to be first had from the King, which was believed your Lordship then, as at this time also, might the better do, for that by Act of Parliament, the mannaging of the War of Ireland is established in both Houses of Parliament alone.

4. It may be considered, that however many cases of this nature in the late troubles in England have happened, where Persons under great obligations to the King, have frequently surrendered to the Parliament Garrisons and Forces, which they received by command from his Majesty, as in particular that of Oxford (where remained not onely the Duke of Yorke and his Majesties Councill, but also

the Sword, the great and lesser Seales with other Ensignes of the Regall Power, (and all these) without first having any explicite direction from the King to deliver up the same.

5. When we also consider how passionately it was represented to the Parliament by your Lordship of how great importance the Citty and Castle of Dublin (together with the Garrisons under your Command) were in order to the Recovery of the Kingdom of Ireland, the preservation of the Protestant Religion, together withall the Protestants therein, as also how undoubtedly all must miscarry, if Supplies did not timely come: We cannot but wonder that in a case of so high concernment, and so great necessity (the spilling of the blood of so many thousand Protestants being unavoydable (according to the grounds and representations offered by your Lordship to the Parliament) the danger whereof remains the same, for ought hath occurred to us, greatned also by the losse of many Garrisons since, and will be perfected by your rejecting the Supplies (with so much Expedition and Charge sent hither by the Parliament) that yet the Kings consent should be so insisted on, as that neither the preservation of the said Protestant Religion, nor the blood of thousands of Protestants, nor any of the forementioned Considerations should purchase a Dispensation therein.

6. And whereas your Lordships Oath is objected, It appears to us to be penn'd with speciall caution and relation to such a time of necessity as this; and is rather (as we conceive) fulfilled by consent to, then refusall of the Conditions offered to your Lordship, unto which also, we believe that respect was had, when those Resolutions were taken up expressed in the forementioned Letter to the King.

Wee hold it our Duty to deale thus cleerely and freely with your Lordship, that (if it were possible) wee might give satisfaction thereby, However our Consciences do acquit us, that wee have done our utmost therein, and doe conceive that those that have employed us, will be abundantly acquitted in the sight of God and man, as having done what could be expected from them, and unto whom (for any neglect in this affaire) the guilt of Blood we are con-

confident shall not be imputed, in that day when inquisition shall be made for the same.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Io. Clotworthy.*

*Rich. Salwey.*

**21. November 1646.**

**VV**EE have considered the paper wherein you expressed the Summe of what was delivered by you in the Conference with us, to which we make this returne.

¶ Our first Exception was, Not that none of the Propositions of the first way of Overture, which were transmitted by us to the Parliament, are assented unto, as in that your paper is expressed, but that none of the Propositions which were transmitted, whether you looke to the first way of Overture (as you are pleased to tearme it) or the second way of Overture, are assented unto; And to the end that this may be the better understood, we hold it necessary to declare, that some of the Propositions, which were transmitted by us from hence, were signed by us apart, wherein we did undertake the prosecution of the Warre, as vigorously against the Rebels, as wee should be thereunto enabled by the Parliament, which Propositions are expressed at large in our second paper of the eighteenth of November 1646. and these seem only to have relation to Our selfe.

There were other Propositions signed by Vs and the Councell, wherein not only Our selfe, but all others of this Kingdome, aswell of the Souldiery, as others of His Majesties Protestants Subjects of this Kingdome, and their adherents are respectively concerned, the said Propositions importing no lesse then the preservation of them in their persons, estates and imployments.

And there were Instructions signed by Vs, and delivered to our Commissioners, authorizing them, that if they did finde the Parliament willing and ready to take into their Care and Protection His Majesties Protestant Subjects, within the quarters now under Our Command, and those that have adhered to them since the 22. of October 1641. according to the purport of the instructions signed by



by Vs and the Councell, and that Our continuance in the Government should be the only let thereunto, that then our said Commissioners should let them know, that we would surrender Our place of Lievtenant, and deliver up all the Holds in Our power, to such as the Parliament should appoint upon certaine Conditions, whereof the first and principall is, that they should procure His Majesties direction for our so doing, which offer made by us, is in the Ordinance of parliament delivered by you to us, and by you in your paper of the nineteenth of November 1646. called our second way of Overture, whereupon you say the Parliament did proceed, which you say, Sir Francis Willoughby upon his returne from London might have informed us: That Sir Francis Willoughby might have told us wee know not, we are sure, he did never tell us of the Resolution said by you to be taken by the Parliament for proceeding in that, you call, the second way of Overture, nor did he bring with him (for ought knowne to us) any Coppy of the Order of the fifteenth of October, declaring that Resolution, nor was it mentioned by our Commissioners in any of their Letters, though wee received severall, as well by the said Sir Francis Willoughby, as by others of dates subsequent to the said Order, But on the contrary Sir Gerrard Lowther and Sir Paul Davys did by their Letter of the sixt of November after Sir Francis Willoughby's departure from London, certifie us, that Sir Robert King and the rest were sent higher to Treat with us (as they heard) for rendring Dublin, and other places under Our Command, to which they were not called, but were altogether Strangers to their transactions there concerning that Treaty, and that they did not know any thing of their Commission, Authority, or instructions, or how farre they extended. But though the Parliament did lay hold of this called our second way of Overture, yet the Propositions which were signed by us and the Councell, wherein all His Majesties Protestant Subjects of this Kingdome as well of the Souldiery as others, and such as have adhered unto them, were a like concerned with us, were not to be passed over, for whether we did continue in the Government, according to the first way of Overture, or part with it (termed by you) the second way of Overture, it was our maine Care and desire, that they should be secured

cured in their persons, Estates, and employments which is not yet done to Our satisfaction; And in that which concerneth Our Selfe the principall thing which is His Majesties direction and allowance for the rendring up of the Government, which was to precede and warrant all that wee did propound to be done by us herein, is yet wanting, which wee desire you to represent to those who employed you in the best manner you may.

Our second Exception is, That you have no power to secure any of His Majesties Roman Catholique Subjects in their persons and estates, who have constantly adhered to the Government here, since the 22. of October 1641 of whom wee conceive Care ought to be had in the present Treaty. To this you give these Answeres.

First that those who by authority of Parliament gave power to you to Treat did not take Cognizance of any of the Roman Catholiques in Ireland, that did adhere to the Government of this Kingdome against the Irish Rebels, which Answer doth not satisfie us, but doth inforce the Exception, for their not taking Cognizance of them is the ground and cause of the Exception.

Your second answer is, That (if any such be) it is probable the number is not considerable; And if they have done nothing against the parliament they need not any special security, but may expect as much as others, that have in like manner demeaned themselves, although they be of the Protestant Religion, which answer doth not satisfie, but giveth us more cause to insist upon the exception, because you say, it is probable that the number of them is not considerable, whereas Wee who have been upon the place know it to be otherwise, both in number and quality of persons, And since His Majesties Protestant Subjects, who have served against the Rebels here, and done nothing against the Parliament are offered to be secured in their persons, and estates, they may by the same rule of Justice expect the like assurance, and the greater regard ought to be of them, for that their Religion being made the pretence of the Rebellion, they do notwithstanding, adhere to His Majesties Protestant Subjects against the Rebels, who are of that Religion.

Your third Answer viz. Power is given (as by an instruction delivered in the 16, of November is express) to protect such as will

come under Contribution and to give them safeguard by the Countenance of the Forces serving under the Parliament, according to which they are to be protected in their Persons and Estates, as well from the violence of the Souldiers under the Parliament, as of the Enemy, and this to be extended unto all, without distinction of Offence or Religion; which Answer doth not satisfie us, for the said instruction looketh rather to the Rebels who are to be brought under Contribution, then to those who have continued good Subjects, and therein there is no assurance given unto them for their Estates, as is in the same instruction to His Majesties Protestant Subjects for their Estates.

Your fourth answer is, If any thing can be reasonably offered in the behalfe of such Papists, as have adhered to the present Government, and not been in the Irish Rebellion, it shall be also recommended back by you, to those who imployed you, in the best manner you can to our satisfaction; The later part of which answer, being the best part thereof, we desire may be pursued; for the first part thereof doth inforce the Exception, it being made a doubt whether any thing can be reasonably offered for such Papists as have adhered to the present Government, and not been in the Irish Rebellion; whereas nothing in reason can be offered against such, but that they should be secured in their persons and estates.

Our third Exception is, That no assurance is given, that the Iudges and Ministers of the Civill and Martiall List, shall be continued in their places and imployments, which is answered by you, as followeth:

First, nothing is given us in charge, nor hath any thing been expressed by us concerning the removall of the Iudges & Ministers of the Civil List, nor of any of them, which answer doth not satisfie us; for we desire by our Proposition, to have an assurance for the continuing them in their respective imployments, which is not yet assented unto.

Your second answer is, That in cases of like nature, it hath not been known, that persons so qualified have been continued and established by Treaty, nor was it to your knowledge, ever heretofore insisted upon by any whoinsoever; which answer doth not satisfie us, for  
though



though you might shew, that the contrary hath been done in like cases ( as we beleewe you cannot ) yet, even for that cause, we have the more reason to insist upon it.

Your third answer is, If it must be presumed, that they have offended the Parliament, yet assurance is given ( and otherwise they can need none ) for security to their persons, with enjoyment of their goods and estates in the Kingdome of Ireland, as if they had not offended, and have liberty to compound for the estates any of them have in England, and such Composition not to exceed two yeares value: We are not satisfied with this your answer, for there is nothing here to assure them the continuance in their employments, and our Proposition made in their behalfe for their continuance in their employments, cannot presume a Guilt; and it is no reason to say, that if they be not guilty, they need not desire this assurance; for the Iudges doe well understand, that *abundans cautela non nocet*, and if it must be presumed that they have offended the Parliament, there is the more reason to insist on the Proposition for the continuing of them in their respective employments, they having been dispoyled of all their Estates.

To your expression whereby you would satisfie us concerning the continuing in employment the Officers now under our Command, viz. That as you have not yet taken up a resolution ( if the Treaty should succeed ) to displace any; so you declare, it must be an extraordinary cause that must induce you to it, we easily beleewe, that as it is too early for you to declare a resolution to turne them out of their employments, ( though such a resolution were taken up by you ) till you be posselt of the power to doe it; so you may judge such a declaration, not to be the readiest way, to attaine to that power by Treaty from us; which We are confident, is the only way whereby you will at this time attempt it, but when by that meanes you should be invested in that Power, the question is, whether you would not then understand, that the Concurrence of some of the Martiall List with us in the conclusion of the Cessations and Peace here, the actuell Service of some others in His Majesties Armies in England, and the obedience given by all to some Commands, that may have been displeasing to the two Houses of Parliament in Eng-

land, to be extraordinary and sufficient causes for their removall, wherein, if you shall declare negatively, we shall rest satisfied, as to that particular, nor could our Demand of having them secured in their respective imployments, be understood to reach to a forgiveness of such Crimes in future, as may merit displacing; for which we confesse, we can no more alleadge a President, then we beleieve you can, that ever the Sword was demanded to be delivered by the Chiefe Governor of this Kingdome, to Commissioners of the Parliament of England, without the Command of the King. As to the last part of your Answer intended to this Objection, it can in no sort be applyable to imployments, but to Estates; whereof most of the Martiall List are destitute, being either such as have no inheritance, but what they may hope for by their merit in their profession, or such as have lost their Estates by the Rebellion, and so can reape no advantage by that Instruction, and to those that have Estates no benefit is imparted, but what is clogged with a condition, of yeelding Obedience to Ordinances of Parliament; made, or to be made, which being a Condition generally imposed upon all sorts of people; comprehended in this Treaty, might occasion as many & great inconveniences, as the settling of a Martiall List for life.

Neither can we rest satisfied with what is offered in behalfe of the distressed Clergie of this Kingdome, for whom we treat, for that they are for the most part, if not all, such as are possessed of no Estates in England, and so can reap no benefit by this part of your answer; that offers admittance of Composition for Estates there, and but some few of them that have in possession Ecclesiasticall Livings and Promotions in this Kingdome, whereof those few are no way secured by your answer. And whereas you desire it may be remembered, that power is given you to agree for Pensions to such as you shall think fit, to the value of two thousand pounds *per annum*, which you say, you are ready to ascertain unto such of the Civill and Martiall List, as also to the Clergie, as shall be thought meet to extend it to, and in such way as may give best satisfaction according to your Instructions; your said Instructions being to guide and authorize you therein, and we (being ingaged in all respects to have at least as great a care of the said Clergie, as of any other his Ma-  
jestic

jesties Subjects) doe desire to have a Copie of the said Instruction.

Our fourth Exception being as followeth, *viz.* That great inconvenience may happen to all the Protestants of Ireland, who are to be included in this Treaty, if they should thereby conclude themselves to submit to all Ordinances of Parliament, is answered by you as followeth.

Your first answer is, We have declared, that their submitting to all Ordinances of Parliament is to be understood, no otherwise then as all others doe, who have alwayes adhered to, and never offended the Parliament; with which answer we are not satisfied, it being no more, then that we are to submit to all the Ordinances of Parliament; to which, those who are of the Parliament party submit, as the Covenant, the Directory, the abolishing the Book of Common Prayer, &c.

Your second answer is, We know of no Ordinance of Parliament, that requireth the Covenant to be taken in the Kingdom of Ireland; with which answer we are not satisfied; for we know, that it hath been prest in all parts of this Kingdome, where the Parliament hath prevailed, as in the Provinces of Mounster, Ulster, and Connaught; there being some Ministers not long since employed into Ulster, who went from Towne to Towne, and from City to City, pressing the Covenant, whereupon many Protestants did acquit their Commands and Habitations in those parts, rather then they would subject themselves to it; and if the same was done without any Ordinance of Parliament, we have the more reason to insist, that His Majesties Subjects may be secured against so violent and unwarranted pressures upon their Consciences. And if you know of no Ordinance of Parliament which requireth the Covenant to be taken in the Kingdome of Ireland, you may the better undertake that it shall not be pressed; and if you be not instructed to suppress the Book of Common Prayer, or impose the Directory, you may the better condescend to what is desired concerning both, so farre as is expressed in our Instructions.

Your fourth answer is, It may also be considered, that your Lordship made Overture of submitting to the Direction of both Houses of Parliament, (and that exclusively to any other whatsoever) as



to the ordering and disposing of the Army, &c. if they should accept of your Overture, which could not be understood otherwise to be done, but by Ordinances of Parliament, as to them from time to time should seem meet.

We are not satisfied with this your Answer, the strength of your reason being thus; That we did submit to the direction of both Houses of Parliament for the ordering of the Army, &c: therefore no inconvenience can happen to the Protestants of Ireland, who are to be included in this Treatie, if they should thereby conclude themselves to submit to all Ordinances of the Parliament of England, which sure is no good Consequence, from one particular to conclude a generall; And if you would declare that by submitting to all Ordinances of Parliament, were onely intended such Ordinances as concerne the ordering and disposing of the Army, though that offer of Ours was in case that way of accommodation, which is waved by the Parliament, were layd hold of (of any thing wherein we therefore conceive no use should be made in this Treaty, since that way is layd aside) yet such a declaration would, as to that point, give satisfaction.

The fifth Exception is, That the Kings Direction for the delivery up of the Government is not obtained, and that our Commissioners were commanded to forbear the delivering unto the Scottish Commissioners, the Duplicate of the Letters, which We and the Councell had written to His Majestie concerning the same; To which you make these Answers, *viz.*

That our Commissioners did declare, That if Supplies were not instantly dispatched, that We would take it for granted, that none would be sent, which was the ground of halstning the said Supplies, whereas the words of our Instructions were, That if within a reasonable time after landing of our Commissioners; they did not advertise us, that those things we desired were on the way hither, or at least a considerable proportion of Money and Munition, and probable hope of the rest speedily after, that then we would take it for granted, not that no Supplies would come, but that our propositions were rejected there, which strongly implied, and so was intended, that if we understood Supplies were on the way, we might  
then

then take it for granted, our propositions were accepted, which also we had cause to beleeve, for that our Commissioners by Command of the Committee, before whom they were heard, signified to us, their Message was cheerfully accepted, whereof the sending of Supplies was but a part, nor can it be reasonably objected to us, that we refuse those Supplies, since none of the Conditions wherein we expressed our willingnes to receive them, is offered to us in manner as was desired, especially that fundamentall one, of procturing the Kings Command for delivering up the Sword, and Garrisons, which being the way fixed on by the Parliament, we much wonder, was not endeavoured ( as well it might have been, and an answer had ) before you came from London, and if it had been obtained, there had been no need of sending it to us till your Arrivall, and if it had been refused, the Parliament in their great wisdom and knowledge of the duty of one so highly trusted, would have found some other expedient to extend their assistance and protection to the Protestants, other then such as must blemish our Honor and Fidelity to all posterity, nor is it a sufficient discharge to us, that His Majestie hath not inhibited us to proceed and conclude with you, His expresse Command being in this case absolutely necessary. And as for the suppositions and inferences, which you make out of the Letters writ by us to His Majestie, and both Houses of Parliament; as that it could not be imagined, the necessities being so great, under which we then were; that we would refuse such Supplies from the Parliament in manner as they directed, till our Letter should be from hence sent to Newcastle, & answer thereof returned to us: And that the Parliament had no reason to conceive, that We intended so to insist on the Kings direction, as without it we would not conclude, &c. As also considering how passionately we represented to the Parliament, the importance of the City and Castle of Dublin. &c. and how undoubtedly all must miscarry, if Supplies did not speedily come, that yet the Kings consent should be so insisted upon, as none of the fore-mentioned considerations should purchase a dispensation therein: And to induce us thereunto, you propose unto us Examples of the delivering up of other Garrisons and Forces in England, as in particular, that of *Oxford*, &c. without having any explicite Direction

tion from the King to deliver up the same. We conceive the case of *Oxford* to be different from this; For Sir *Thomas Fairfax*, to whom the City of *Oxford* was rendred, ( after some time of formall Siege, and the shedding of blood on both sides ) was not invited thither by those within to defend and relieve it against the expected attempts of another Enemy; as those Forces now here with you, were ( upon certaine Conditions ) by us, but his coming before *Oxford* was unsent for openly and declaredly to take by force of Armes that Citie; In the case of *Oxford* also, we have seen His Majesties Command directed to the Governour for the rendring thereof, which, if you can produce to us for the giving up of these Garrisons, with the Ensignes of Royalty belonging to the Crowne of this Kingdome, we will in like sort readily obey the same, notwithstanding some other disparitie in the cases. And if the Instructions we gave our Commissioners be looked into, Copies whereof were delivered by them to the Committee of both Houses, all these suspitions, inferences, and arguments will vanish, it being a certain and true rule, that no inference nor implication is to be made contrary to that which is exprest, as our Instructions were in this particular; for our first and principall Instruction was, That we would surrender our place of Lieutenant, &c. to such as the Parliament should appoint upon these following Conditions.

First, that they procure His Majesties direction for the doing thereof, &c. But further to cleere it in our seaventh and last instruction delivered unto our Commissioners, whereof the said Committee had likewise a Coppy, it is further given in Charge unto them in this manner, viz. If in the meane time whilest they take these Propositions and the rest into their Considerations, and till they have procured His Majesties direction as a foresaid, the Parliament bee pleased to send over such Supplies, as may relieve the Garrisons from Ruine thorow want, or by the Hostile attempts of the Rebels, the same shal be well husbanded for them, and imployed only to those ends, both which instructions leave no place for inference or implication to be made contrary to expresse instructions. If the Parliament hath procured His Majesties direction the condition is performed, but if that be not yet done, the Forces notwithstanding may



may be received and imployed in the present service, and so all those inconveniencies may be prevented, which are feared, But if nothing that we can do can give satisfaction, but to deliver up the Sword, render all the Garrisons, and other Commands to the pleasure of the Parliament, which we are bound by Oath to preserve and keepe for His Majestie, before we do receive His direction therein, We doubt not but we shall be acquit herein before God and Men, if we insist upon the refusall of that which we cannot do without the Violation of Our Oath, to God and the King.

To summe up in Briefe those particulars wherein we are not satisfied by any of your papers, nor by any thing which was delivered in the Conference.

First, you have shewed us no direction from His Majestie to deliver the Sword, &c. which you say you have not procured.

Secondly, you have not offered assurance to the Papists of this Kingdome, who have adhered to His Majesties Government since the 22. of October 1641. for their Estates, which is confessed by you.

Thirdly, you have not undertaken, that the Covenant shall not be pressed, nor that the Booke of Common prayer shall not be suppressed,

Fourthly, you have given no assurance either for the continuance of the Judges and Officers of the Civill List, or the Officers of the Martiall in their respective imployments, or the Cleargy in their respective Rights, and incumbencies.

Fifthly, you have given us no satisfaction in that great and maine Objection touching the present Parliament, which would be dissolved, if that we should deliver the Sword in manner as is desired, The papers do cleere none of these particulars, and nothing was delivered positively in the Conference which doth any wayes enlarge the former papers. We know that in matters of so high and great Concernment you will goe to the utmost Limits of your instructions, and that in these things which seem doubtfull to us, you will (if any expedient can be found for continuing the Treaty) represent them to those who imployed you, in the best manner you can for Our satisfaction, according to the promise made by you in

your last paper, for which we do returne you thanks in the behalfe of all His Majesties Protestant Subjects, and those who have faithfully adhered to them. And for that full satisfaction cannot be given to us without your further Application to the Parliament for enlarging your powers, We being Resolved to leave no meanes unattempted that may conduce to the preservation of His Majesties Protestant Subjects in this Kingdom, and the Rights of the Crown of England, and to the end the Forces brought hither by you may be employed, to those good ends, whilst His Majesties pleasure by Vs, and that of the Parliament by you is sought, do offer these following Propositions.

First, that the Officers and Souldiers, sent hither by the Parliament of England, be put into one, or more convenient Garrisons, and be Commanded by their Respective Officers, who are to receive Orders from Vs, and the Governours of the places where they shall be Garrison'd, and to be subject to the Lawes Martiall now in force in this Kingdome.

Secondly, We desire, towards the keeping of the Army now under our Command for six weekes three thousand pounds, whereof two parts in mony, and a third part in victuals.

Thirdly, That there be an ingagement from you to us on the behalfe of the Parliament, that the Officers and Souldiers which are to be Garrisoned, as in the first Proposition is mentioned, shall do no Act prejudiciall to the present Government here; And that in case we shall not at or before the expiration of the said six weeks agree, that they shall remove from those places out of our quarters, at such time as we shall direct.

Fourthly, We will engage Our selfe unto you that the said Officers and Souldiers, shall quietly and peaceably be permitted by Vs to remove with their Armes, Provisions and other things belonging unto them to Shipboard, or to such other places out of Our quarters, as you Sir *Robert Meredith*, Sir *Thomas Wharton*, Sir *Robert King*, and Sir *Iohn Clotworthy*, Knights and *Richard Salwey* Esquire, or any three of you shall direct: And to these Our Propositions We desire your speedy Answer.

ORMONDE.

Dub-

*Dublin. 22. Novemb. 1646.*

**H**AVING received your Lordships papers of the 21. of November, and in them your returne to what was first delivered in conference, and afterwards for your Lordships satisfaction put in writing, and signed by us.

And whereas in those papers, your Lordship desires a copy of the Instruction, whereby power is given us to agree for Pensions to the value of two thousand pounds *per annum*. We have thought fit (that nothing may be wanting on our parts) herewith to deliver you a Copy of the said Instruction.

And however upon perusal of your Lordships paper of the 21. of November, we find little cause to beleave, satisfaction will be received by your Lordship, as hath been endeavoured to be given by Us. Yet forasmuch as your third paper of the 19. of November did expresse, that when you should receive in writing signed by us, what was delivered in Conference to your Lordship, you would then declare unto us, whither or no you would rest satisfied therewith, or upon the whole matter insist upon your refusal, we desire your Lordship speedily to give us your positive answer accordingly.

And withall, we hold it fit to declare, that as we conceive the grounds of satisfaction offered by us, doe remaine unanswered by your Lordship, and particularly touching the Kings consent and direction (which you call maine and Fundamentall) we having made it appeare that your Lordships Overture to the Parliament, was, to put all your Forces and Garrisons under their sole Command (the King unconsulted with at all therein) so we no waies thinke fit (though our Instructions should therein authorize us) to accept of the Propositions mentioned in the later end of your Papers, as an expedient to continue any longer.

If yet your Lordship continue to refuse what we have offered, we can onely give account thereof to those that imployed us, and must leave it to the world to judge, whither those Exceptions taken and insisted on by your Lordship, be consonant to those grounds and principles held forth in your Overture made to the Parliament, by which they were induced to send Succours hither, or whither all the Particulars (so farre insisted on by your Lordship, that it appears



not to us, you will recede from any one thereof) be of equall con-  
 cernment to that hazard, yea (according to your Lordships owne  
 representation) that Certainty of losse, not of a Kingdom only, but  
 of Thousands of Protestants. and together with them, the Protec-  
 tant Religion also,

All which, by the great care and pious endeavours of the Parliament  
 of England, might have been (through the blessing of God) preven-  
 ted, if what we have offered (and doe yet offer) in their names, be  
 not by your Lordship refused.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Jo. Clotworthy.*

*R. Salway.*

### A Copie of the Instruction mentioned in the former Paper.

**I**f Ou, or any Three of you, have also hereby power given you  
 to agree for such allowances to be paid to others by constant  
 Pension, during the Warre of Ireland, (for the better and more  
 firme carrying on of this worke) as shall not exceed in the whole,  
 the Summe of Two Thousand Pounds per annum, to all other per-  
 sons, beside the Two Thousand pounds per annum to the Lord of  
 Ormonde: And these pensions to continue till they can receive the  
 like benefit by their owne Estates.

Signed as the rest of the Instructions.

Vera Copia Ex. W. Rome.

22. Novemb. 1646.

**V**Hereby your paper of the 22. of Nov. 1646. You affirme  
 that you made it appeare that our Overture to the Parlia-  
 ment was to put our Forces & Garrisons under their sole Command  
the King not consulted withal therein, we doe positively affirme, that  
you

you neither have nor can make it appear, that we made Overture to the Parliament, to put all our Forces and Garrisons under their sole Command, the King unconsulted; for whatsoever hath been offered by us unto the Parliament by our Propositions and Instructions, We are constant thereunto, and still ready to performe.

ORMONDE.

22. Novemb. 1646.

**H**AVING received your Lordships paper of the 22. of Novemb. (which we conceive needs no reply) we desire to know whether your Lordships will returne any further answer to our first paper of this dayes date.

Rob. Meredith.

Tho. Wharton.

Rob. King.

Is. Clotworthy.

Rich. Satey.

22 November 1646.

**V**VE may not returne other Answer, then Wee have done in Our former papers, untill Wee have Consulted His Majestic, and received His Direction therein.

ORMONDE.

23 November, 1646.

**V**VE having heard nothing from you since We sent Our last paper, We desire to know whether We shall understand this Treaty to be at an end for the present, that if neither Our Propositions sent by Vs to the Parliament of England, nor the Propositions Wee sent unto you for the stay of your men, be assented unto,

in manner as is Propounded, We may consider what further course to take for the preservation of His Majesties Subjects and the Rights of the Crowne.

ORMONDE.

23. Novemb. 1646.

**I**N Answer to your Lordships paper of the 23. of November Wee returne; That Wee continue assured there is no other way according to the representation made by your Lordship to the Parliament, of preserving the Protestants of the Kingdome of Ireland, nor of the Rights thereof relating to the Kingdome of England, but by accepting the Overtures made by us to your Lordship according to Our Papers delivered in; Your Lordship insisting upon a positive refusall thereof, we understand the Treaty to be at an end; And as for the offers lately made by your Lordship to us, we referre our selves to our Answer already given thereunto, and can in no wise accept of the same.

*Rob. Meredith.*

*Tho. Wharton.*

*Rob. King.*

*Jo. Clotworthy.*

*Rich. Salwey.*

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FINIS